

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No 1795 of 2024

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Ashwini Kumar Son of Late Rajesh Kumar, Resident of village- Itasang, P.S.-
Rahui, District- Nalanda.

... .. Petitioner/s

Versus

1. The State of Bihar through the Director General of Police, Bihar, Patna.
2. The Additional Chief Secretary, Home Department, Bihar, Patna.
3. The Under Secretary, Home (Police) Department, Bihar, Patna.
4. The Director General of Police, Bihar, Patna.
5. The Additional Director General of Police (Budget, Welfare and Appeal), Bihar, Patna.
6. The Additional Director General of Police - cum- Director, Bihar Police Academy, Rajgir.
7. The Deputy Inspector General of Police- cum- Deputy Director, Bihar Police Academy, Rajgir.
8. The Assistant Director (Administration), Bihar Police Academy, Rajgir.
9. The Superintendent of Police- cum- In-charge Assistant Director, Bihar Police Academy, Rajgir, Camp- Bihar Special Arms Force- 04, Dumraon.
10. The Deputy Superintendent of Police, Bihar Police Academy cum Enquiry Authority.
11. The Superintendent of Police, Kishanganj.

... .. Respondent/s

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Appearance :

For the Petitioner/s :

M/s Vinay Ranjan, Utkarsh Ranjan, Prashant
Shekhar, Advocates

For the Respondent/s :

Mr Raghwanand, GA XI with
Mr Prabhat Kr, AC to GA XI

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CORAM: HONOURABLE MR JUSTICE ARVIND SINGH CHANDEL

ORAL JUDGMENT

Date : 19-06-2025

This petition has been preferred by the petitioner
challenging the order dated 12.03.2022 (Annexure P/14) whereby
and where under the services of the petitioner have been



dismissed. Also challenged the order dated 06.06.2023 (Annexure P/16) whereby the appeal preferred by the petitioner against his dismissal has been rejected. Further challenged the subsequent orders dated 18.07.2023 and 09.01.2024 (Annexures P/17 and P/18 respectively) whereby the authorities rejected the Memorial Appeal preferred by the petitioner.

2 Brief facts of the case are that the petitioner was selected for the post of Police Sub Inspector and joined his services. On 04.02.2021, he reported at Bihar Special Arms Police No 4, Dumraon for his basic training. After completion of training, he appeared in all the outdoor examination/test and was declared successful. Indoor examination was scheduled from 31.05.2021 to 14.06.2021. Allegedly, two days prior to the scheduled examination when CCTV camera was being installed, the petitioner as well as two other trainees, namely, Manish Prajapati and Skant Kumar Gupta tampered the camera and on that basis, all of them were debarred from appearing at the final examination. Separate departmental enquiry has been initiated against the petitioner and other two persons, namely, Manish Prajapati and Skant Kumar Gupta. After completion of enquiry, on the basis of enquiry report, vide order dated 12.03.2022 (Annexure P/14), the Disciplinary Authority terminated the services of the



petitioner which has been assailed by the petitioner by filing an appeal but the same has been rejected by the Appellate Authority. The Memorial preferred by the petitioner has also been dismissed vide order dated 09.01.2024 (Annexure 18/1), as referred to above. Hence, this petition.

3 Learned counsel for the petitioner would submit that along with the petitioner, other officers, namely Manish Prajapati and Skant Kumar Gupta were also dismissed from the service and they have preferred writ petitions being CWJCs No 1638 and 1111 of 2024 respectively. Both the writ petitions were allowed by this Court vide order dated 03.03.2025 on the ground that there is violation of Rule 17 (3) of the Bihar Government Servants (Classification, Control & Appeal) Rules, 2005 (for brevity, *the 2005 Rules*) and also on the ground that the CCTV camera operator Rahul Kumar and other trainee officers, who were present in the room at the relevant time, were not examined. According to the counsel, case of the petitioner herein is also identical to the cases of Manish Prajapati and Skant Kumar Gupta as in the case of petitioner also, Rule 17 (3) of the 2005 Rules have not been complied with and CCTV camera operator Rahul Kumar and other trainee officers, who were present in the room at the relevant time,



have not been examined. Therefore, as prayed by the counsel, in the light of above, the present petition may also be allowed.

4 Learned counsel for the respondent-State fairly admitted the fact that the case of the petitioner is also identical to the case of Manish Prajapati and Skant Kumar Gupta.

5 Taking into consideration the submission made by both the counsel, this Court finds that the case of the present petitioner is identical to the case of Manish Prajapati and Skant Kumar Gupta as in the case of the present petitioner also, the provisions of Rule 17 (3) of the 2005 Rules have not been complied with and also the material witness Rahul Kumar and other trainee officers, who were present in the room at the relevant time, were not examined by the Department. Thus, on these grounds, the impugned orders, as referred to herein above, are liable to be set aside.

6 Accordingly, the orders dated 12.03.2022 (Annexure P/14), 06.06.2023 (Annexure P/16), 18.07.2023 (Annexure P/17) and 09.01.2024 (Annexure P 18/1) are set aside.

7 As a consequence of setting aside the orders, as referred to herein above, the petitioner is directed to be reinstated with all consequential benefits within three months from the date of receipt/production of a copy of this order.



8 The writ petition is, accordingly, allowed.

(Arvind Singh Chandel , J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	24.06.2025
Transmission Date	NA

